

REMARKS

This is in full and timely response to the non-final Official Action of February 5, 2007. Reexamination and reconsideration are respectfully requested in view of the amendments to the claims, cancellation of selected claims, an addition of new claims 8 and 9, and the arguments distinguishing the amended and claimed subject matter for the applied reference, as follows.

Priority Claim

It is noted with appreciation that the priority claims and receipt of the supporting priority documents is acknowledged in this action.

Drawing

It is further noted that the drawings as filed are accepted by the examiner.

Information Disclosure Statement

Receipt of the attachment to the non-final Action for the IDS previously filed is acknowledged with appreciation.

Claims

Claims 1 to 7 were presented for the initial examination. Each of the presented claims was initially rejected as anticipated by the patent to Isogai. This rejection is overcome by the amendments to the independent claim 1 and the dependent claims 4 and 6, in light of the discussion that follows. Newly-submitted claims 8 and 9 are patentable of the cited reference for these same reasons. Claims 2, 3 and 5 are canceled. Thus, claims 1, 4, and 6 to 9 are pending for the examiner's reconsideration. Claim 7 is retained unamended.

The findings of the examiner supporting the initial anticipation rejection are found at pages 2 to 4 of the Action. As understood, Isogai (US 5,909,269) (assigned to the assignee of the invention of this application) discloses an apparatus such that a chin knob 2b is rotated to move a chin rest 2a up and down to adjust a height position of an eye to be examined before alignment, and then observation or detection of an eye image and an alignment target image is performed, whereby X-, Y-, Z-direction moving mechanisms are operated manually or automatically to perform alignment. See, for example, Fig. 1 and the corresponding discussion in the patent text.

However, this apparatus has problems as described in the “background of the invention” in the specification of the present application, for example, at pages 1 and 2 of the specification as filed. To be specific, when the X-, Y-, Z-direction moving mechanisms reach their movement limit, there arises the need for manually moving the chin rest 2a up and down again to redo the examination from the beginning.

The present invention is for solving these problems, and discloses an apparatus such that an eye to be examined is prevented from being beyond a permissible range of up/down movement of an examination unit when alignment of the examination unit with the eye is performed to have a predetermined relationship, whereby time and trouble of redoing adjustment of a height position of the eye are saved, allowing smooth examination to the last. Isogai et al. neither teach nor suggest such an art.

Claim 1 is amended to note this feature in its revised combination directed to a chin rest, a first moving unit for up/down movement of the chin rest, an examination unit, and a second moving unit that puts the examination unit into up/down movement, right/left movement and back/forth movement with respect to the eye. In addition, amendments to the recited alignment condition detection unit and the recited control unit further clarify the operation of the invention and distinguish its operation from the unit of Isogai. See the language claiming the respective movement ranges for the latter two paragraphs in amended claim 1.

Claims 4 and 6 are dependent on claim 1 and are thus patentable over Isogai for at least those same reasons that claims 1 is patentable, and further for their own limitations.

Claims 8 and 9 are to the same effect. In the combination of independent claim 8, the second moving unit is similarly described as in claim 1, and reference is made to a movement limit detection unit in the paragraph intermediate the recitation of an alignment condition detection unit and the control unit, the latter reciting a range of movement similar to claim 1.

Thus, it is submitted that claims 1, 4, 6, 8 and 9 are patentable over the applied reference, and early Notice to that effect is respectfully solicited.

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Respectfully submitted,

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